IN THE HIGH COURT OF UTTARANCHAL
AT NAINTAL
Writ Petition No. 692 of 2005 (S/S)

1. Smt. Chanchala Devi
W/o Late Sri Teek Singh
R/o Village Irha Post: Ghighartolla
Tehsil and District – Bageshwar …Petitioner

Versus

1. State of Uttar Pradesh
through Home secretary, Lucknow

2. Director General of P.A.C.,
Uttar Pradesh, Lucknow

3. Commander IInd Battalion P.A.C.
Sitapur, Uttar Pradesh

4. Finance Controller Police Head Quarter
Uttar Pradesh, Allahabad

5. Treasurer Treasury Office Bageshwar … Respondents

Sri Dinesh Chauhan learned counsel for the petitioner.

Hon'ble B.C. Kandpal, J.

By way of this Writ Petition, a direction in the nature of mandamus has been sought commanding the respondents to pay family pension to the petitioner.

Brief facts given rise to this writ petition are that the petitioner's husband died on 17.09.1964 while he was posted as *Arakshi* in the office of Commander IInd Battalian P.A.C., Sitapur, Uttar Pradesh.

The petitioner has become entitle to get family pension since 01.05.1986 according to the G.O. issued by the U.P. Govt. dated 08.08.1986 but inspite of making several representations before the concerning authority, the matter has not been resolved as yet, hence, this writ petition.

Heard learned counsel for the petitioner and perused the record.

The petitioner has stated in the writ petition that she is running from pillar to post in order to get family pension but of no vain. She has also mentioned in the writ petition that she has completed all the formalities and furnished all the relevant documents in order to get family pension but inspite of this she is not getting family pension.

It is not disputed that the family pension cannot be withheld by the authority concerned as it is not bounty and it is the right of the petitioner to get the family pension. The matter of the family pension to be accorded to a deserving candidate should be decided rapidly so that the petitioner may not suffer any physical, economical and mental harassment.

On the basis of the averment made in the writ petition that the petitioner is running from pillar to post for the last about 19 years but still has not been able to get any result.

I, therefore, under the aforesaid circumstances, think it just and proper to direct the respondent no. 2 to decide the matter of the petitioner with regard to her family pension within 45 days after receiving the copy of the judgment passed by this court.

With these directions, the writ petition is finally disposed of.

(B.C. Kandpal, J.)

7th June, 2005
Shiv